

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

Robert Devito,

Plaintiff(s),

-against-

Jeffrey Neiman, Herman Jacobowitz a/k/a  
Herman Jacobs, Expedite Collections, Inc., RFC  
Distributors, Inc., Barry Klein and John Does 1-  
10,

Defendant(s).

Docket No: 1:19-cv-05099-ARR-RML

**ANSWER TO SECOND AMENDED COMPLAINT**

Defendants Herman Jacobowitz and Expedite Collections, Inc. (collectively “Defendants”), by and through their undersigned attorneys, as and for their Answer to the Amended Complaint, hereby state as follows:

**Introduction**

1. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
2. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
3. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
4. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
5. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint, they deny same.
6. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
7. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
8. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
9. Defendants lack knowledge or information sufficient to form a belief about the truth of the

allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

10. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
11. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
12. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
13. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

#### **Jurisdiction and Venue**

14. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
15. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
16. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
17. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
18. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
19. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
20. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
21. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state

statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.

22. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.

### **Parties**

23. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
24. Defendants admit this paragraph of the Second Amended Complaint.
25. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
26. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
27. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
28. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
29. Defendants admit this paragraph of the Second Amended Complaint.
30. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
31. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
32. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
33. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
34. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
35. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is

required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.

36. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
37. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
38. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
39. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
40. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
41. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
42. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
43. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
44. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
45. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
46. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
47. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
48. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

49. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
50. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
51. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
52. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
53. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
54. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
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56. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
57. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
58. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
59. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
60. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
61. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny

same.

62. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
63. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
64. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
65. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
66. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
67. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

#### **Factual Allegations**

68. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
69. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
70. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
71. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
72. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
73. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny

same.

74. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
75. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
76. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
77. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
78. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
79. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
80. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
81. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
82. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
83. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
84. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
85. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
86. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
87. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
88. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
89. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.



90. The Answer speaks for itself and is the best evidence of its contents. To the extent the allegations in this paragraph of the Second Amended Complaint state otherwise, they are denied.
91. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
92. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
93. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
94. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
95. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
96. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
97. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
98. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
99. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
100. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
101. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
102. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
103. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.



104. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
105. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
106. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
107. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
108. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
109. The email speaks for itself and is the best evidence of its contents. To the extent the allegations in this paragraph of the Second Amended Complaint state otherwise, they are denied.
110. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
111. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
112. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
113. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
114. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
115. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

116. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
117. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
118. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
119. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
120. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
121. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
122. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
123. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
124. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
125. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
126. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.
127. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny

same.

128. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

129. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

130. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

131. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

132. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

#### **Count I**

133. Defendants restate, reallege and incorporate herein by reference all foregoing paragraphs as if set forth fully herein.

134. Defendants respond that this paragraph of the Second Amended Complaint purports to restate statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.

135. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

136. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

**Defendants deny each and every allegation of the WHEREFORE Clause in this Count and request that such Count be dismissed against Defendants.**

#### **Count II**

137. Defendants restate, reallege and incorporate herein by reference all foregoing paragraphs as if set forth fully in this Count.

138. Defendants respond that this paragraph of the Second Amended Complaint purports to restate statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.

139. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

140. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

141. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

142. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

143. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

144. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

**Defendants deny each and every allegation of the WHEREFORE Clause in this Count and request that such Count be dismissed against Defendants.**

### **Count III**

145. Defendants restate, reallege and incorporate herein by reference all foregoing paragraphs as if set forth fully in this Count.

146. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

147. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

148. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

149. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

150. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

151. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

152. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

153. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

**Defendants deny each and every allegation of the WHEREFORE Clause in this Count and request that such Count be dismissed against Defendants.**

**Count IV**

154. Defendants restate, reallege and incorporate herein by reference all foregoing paragraphs as if set forth fully in this Count.
155. Defendants respond that this paragraph of the Second Amended Complaint purports to restate statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.
156. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
157. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
158. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
159. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
160. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
161. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
162. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
163. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
164. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
165. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
166. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.
167. Defendants deny the allegations contained in this paragraph of the Second Amended

Complaint.

168. Defendants deny the allegations contained in this paragraph of the Second Amended Complaint.

**Defendants deny each and every allegation of the WHEREFORE Clause in this Count and request that such Count be dismissed against Defendants.**

**Count V**

169. Defendants respond that this paragraph of the Second Amended Complaint purports to re-state statutory language or recite a legal conclusion to which no response from Defendants is required. To the extent the Paragraph implies or alleges any factual allegations, they are denied.

170. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph of the Second Amended Complaint; therefore, they deny same.

**AFFIRMATIVE DEFENSES**

1. The Second Amended Complaint fails to state a claim upon which relief may be granted as matter of law.
2. To the extent any alleged error occurred, such error was unintentional and occurred due to a *bona fide* error despite the maintenance of procedures reasonably adapted to avoid any such error. *See* 15 U.S.C. § 1692k(c).
3. At all relevant times as alleged in Second Amended Complaint, Defendants acted in good faith and with due care and diligence, and acted with no malice or intent to injure, harm, deceive, misrepresent to, defraud, or otherwise harass Plaintiff.
4. Plaintiff's injuries, if any, are attributed, in whole or in part, to the acts or conduct of another party or third party, including any contributory negligence on behalf of the Plaintiff.
5. Plaintiff's claims are barred, in whole or in part, based on Statute of Limitations.
6. Plaintiff's recovery is barred, in whole or in part, due to his failure to mitigate his alleged damages, if any.
7. Plaintiff's claims are barred by the Rooker-Feldman Doctrine.
8. Defendants reserve their right to assert other and further defenses as they become evident.

DATED: March 8, 2021

**BARSHAY, RIZZO & LOPEZ, PLLC**

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*Attorneys for Defendants Herman Jacobowitz  
and Expedite Collections, Inc.*